

*** NOT FOR PUBLICATION ***

NO. 26099

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KEVIN MILNES, Plaintiff-Appellant

vs.

GEICO EMPLOYEES INSURANCE COMPANY, Defendant-Appellee

and

SEA LAND CSX, Defendant

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 00-1-3756)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that this court informed Appellant by letter dated January 16, 2004 that the time for filing the opening brief expired on December 28, 2003 and that, pursuant to Rule 30 of the Hawai'i Rules of Appellate Procedure, the matter would be called to the attention of the court for such action as the court deemed proper including dismissal of the appeal. Appellant having failed to respond to said letter or to otherwise oppose dismissal,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, February 18, 2004.